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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,419	06/26/2001	Takenori Goto	010802	9498

23850 7590 07/31/2003

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EXAMINER

NGUYEN, JOSEPH H

ART UNIT PAPER NUMBER

2815

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,419

Applicant(s)

GOTO, TAKENORI

Examiner

Joseph Nguyen

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2, 4-11 are rejected under 35 U.S.C. 102(b) as being anticipated by figure 12 of the acknowledged prior art (APA).

Regarding claim 1, figure 12 of (APA) discloses a nitride based semiconductor laser device comprising a transparent substrate 51 having conductive properties; a nitride based semiconductor layer 54 formed on one surface of said transparent substrate and constituting a cavity having a front facet on a side of laser light emission and a rear facet on an opposite side from said front facet; a first ohmic electrode 60 of a first conduction type formed on the other surface of said transparent substrate; and a second ohmic electrode 61 of a second conduction type formed on said nitride based semiconductor layer, wherein at least one of said first and second ohmic electrodes is formed in such a shape or arrangement that the directions of the front facet and the rear facet of said cavity of said nitride based semiconductor layer can be distinguished.

Regarding claim 2, figure 12 of (APA) discloses said first ohmic electrode 60 and second ohmic electrode 61 have different shapes.

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Regarding claim 4, figure 12 of (APA) discloses said second ohmic electrode 61 is arranged on a region different from a region above a region where said first ohmic electrode is formed in said nitride based semiconductor layer.

Regarding claim 5, figure 12 of (APA) discloses said transparent substrate 51 is composed of gallium nitride.

Regarding claim 6, figure 12 of (APA) discloses said nitride contains at least said nitride based semiconductor layer contains at least one of gallium, aluminum, indium, born and thallium.

Regarding claim 7, figure 12 of (APA) discloses at least one of said first and second ohmic electrodes is asymmetric with respect to a line passing a center point of said cavity length and vertical to the cavity length direction.

Regarding claim 8, figure 12 of (APA) discloses said nitride based semiconductor layer has a striped current injection region, and said first and second ohmic electrodes respectively have regions opposite to said striped current injection region.

Regarding claim 9, figure 12 of (APA) discloses dielectric films respectively formed at a front facet and a rear facet of said cavity.

Regarding claim 10, figure 12 of (APA) discloses said dielectric films respectively formed at the front facet and the rear facet of said cavity have different reflectances.

Regarding claim 11, figure 12 of (APA) discloses said nitride based semiconductor layer comprises a cladding layer 52 of a first conduction type, an active layer 54 and a cladding layer 57 of a second conduction type.

Claims 1,3-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Koga.

Regarding claims 1, 3-11, Koga discloses on figure 8 all the structures set forth in the claimed invention.

Response to Arguments

Applicant's arguments filed on 6/3/2003 have been fully considered but they are not persuasive.

Applicant argues that in (APA) or Koga, the directions of the front facet and the rear facet of the cavity cannot be distinguished by the shape or arrangement of at least one of the two electrodes as recited in now amended claim 1. However, it is clear that in (APA) or Koga, the directions of the front facet and the rear facet of the cavity can be distinguished by the shape or arrangement of at least one of the two electrodes. One of ordinary skill in the art would be able to distinguish the directions of the front facet and the rear facet of the cavity based on the shape or arrangement of at least one of the two electrodes in (APA) or Koga since the front facet and the rear facet are structurally arranged around the area of at least one of the two electrodes therein.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

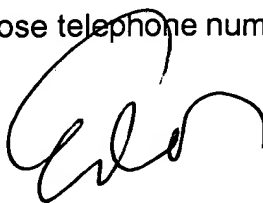
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Nguyen whose telephone number is (703) 308-1269. The examiner can normally be reached on Monday-Friday, 7:30 am- 4:30 pm

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 308-1690. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 308-7382 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JN
July 30, 2003



EDDIE LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800